THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :21359 of 2007

DATED:09-10-2007

BETWEEN:

Talapaneni Venkataramana.

..... PETITIONER

AND

The District Collector,
Kadapa,
Kadapa District & another.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 1st respondent in issuing the notice in his Ref.No.B/750/2007, dated –06-2007 & 19-06-2007, resuming the lands for construction of houses under the scheme of 'Rajiv Swagruha' without taking land acquisition proceedings with reference to the petitioner's lands in Sy.No.1168/2, 1169/2 and 1170/2 of Ukkayapalli village, Kadapa mandal, Kadapa District, as illegal and arbitrary.

3. It is the case of the petitioner that he has purchased an extent of Ac.2.62 cents in Sy.No.1168/2, 1169/2, 1170/2 situated at Ukkayapalli village, Kadapa mandal and District from one Subba Reddy and Nagamuni Reddy vide registered sale deed, dated 02-12-2004. While so, the 1st respondent-Tahsildar, Kadapa mandal issued a notice in Ref.No.B/750/2007, dated 19-06-2007, stating that the land of an extent of Ac.0.66 cents in Sy.No.1168/2 was assigned in favour of one Ramasubbamma vide DKT patta and an extent of Ac.1.08 cents in Sy.No.1170/2 was assigned in favour of Nagasubbamma and the said land is in occupation of one Rama Subbareddy and required for the purpose of allotting house sites under 'Rajiv Swagruha' construction and therefore, the

Government wants to resume the said land and accordingly the said Rama Subbareddy was called upon to submit an explanation as to why the said land shall not be resumed to the Government if no explanation is submitted on or before 30-06-2007. It is stated that the said Ramasubba Reddy is neither the purchaser nor has any connection with the petitioner, and the petitioner is in occupation or enjoyment of the said property and no notice has been issued and the petitioner has been paying the cist having purchased the same in 2004. Admittedly, the said notice is not a notice issued under the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act') and the rules made thereunder and it is also not a notice under the A.P.Land Encroachment Act, 1905. It is stated that the petitioners are the registered owners, and pattadar pass books and record of rights have been issued and therefore, without following due procedure prescribed in law petitioner cannot be dispossessed. It is stated that in fact, petitioner made a representation, dated 05-07-2007, but however, without considering the said representation respondents are taking steps to dispossess the petitioner.

4. Having regard to the facts and circumstances of the case, respondents are directed not to dispossess the petitioner without following due procedure prescribed in law by giving reasonable opportunity to the petitioner before the proposed action to be taken.

5. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

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V.ESWARAIAH,J

09th October, 2007.

Note:

Furnish C.C. of the order within two days.

B/o

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